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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,245	09/22/2003	Kazuhiko Kobayashi	243038US3	9506
22850	7590	04/26/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				BRASE, SANDRA L
ART UNIT		PAPER NUMBER		
2852				

DATE MAILED: 04/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/666,245	KOBAYASHI, KAZUHIKO	
	Examiner Sandra L. Brase	Art Unit 2852	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 09 February 2005.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,2,4-38,40,41,43-47 and 49-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 18-38,40,41,43-47 and 49-55 is/are allowed.
- 6) Claim(s) 1,2 and 14-17 is/are rejected.
- 7) Claim(s) 4-13 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 1.7.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 2, 40, 41 and 43 are objected to because of the following informalities.

Appropriate correction is required.

Claim 2 should be deleted since it does not further limit claim 1, upon which it is depended, since all of the limitations contained in claim 2 are contained in claim 1.

On line 1 of claim 40, on line 1 of claim 41 and on line 1 of claim 43, "39" should be changed to "37" since claim 39 has been deleted and the limitations that were contained therein have been incorporated into claim 37.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 14 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Domoto et al. (US 5,689,767).

4. Domoto et al. (...767) disclose an image forming apparatus using a belt device (figure 1), where the belt device is passed over a plurality of rollers (14, 16 and 20) one of which is adjacent to a heat source (72) (figure 1), and a temperature part of a belt moving in the vicinity of the heat

source varies little relative to a temperature of the other part of the belt, where the temperature of the belt in the vicinity of the heat source is made identical with the other part in a short period of time (col. 5, lines 17-62). A roller adjacent to the heat source is configured to obstruct heat transfer to the belt, where any roller of the belt can include an isothermalizing device (col. 5, lines 17-62). The belt constitutes a photoconductive element (col. 5, lines 17-20), and one of the rollers over which the belt is passed is adjacent to the fixing device (F) including a heat source (72) (col. 5, lines 17-62).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Domoto et al. (US 5,689,767) in view of Oda et al. (US 6,266,498).

7. Domoto et al. (...767) disclose the features mentioned previously, but do not disclose the belt is an image transfer body, and the claimed plurality of image carriers. Oda et al. (...498) disclose an image forming apparatus using a belt device (figure 5), the belt device is passed over a plurality of rollers (214 and 215) one of which is adjacent to the heat source (217) (figure 5), where the belt constitutes an image transfer body (216), and one of the rollers over which the belt is passed is adjacent to a fixing unit (217) including a heat source. A plurality of image carriers

(222a, 222b, 222c and 222d) are arranged side by side and allow respective latent images corresponding to different colors to be formed thereon and developed by toners complementary in color to the latent images to thereby form corresponding toner images (col. 8, line 58 – col. 9, line 5), and the belt (216) conveys a sheet electrostatically adhering to the belt, moves via the plurality of image carriers to thereby cause the toner images to be sequentially transferred to the sheet one above the other and conveys the sheet further to a fixing unit (col. 10, lines 16-28). It would have been obvious to one of ordinary skill in the art at the time of the invention to have the belt be an image transfer body, as disclosed by Oda et al. (...498), since it is well known in the art to include a belt in the form of a transfer body in the formation of images. It would have also been obvious to one of ordinary skill in the art to include the plurality of image carriers, as disclosed by Oda et al. (...498), so as to form a color toner image.

*Allowable Subject Matter*

8. Claims 4-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Claims 18-38, 40, 41, 43-47 and 49-55 are allowed.

*Response to Arguments*

10. Applicant's arguments filed 2/9/05 have been fully considered but they are not persuasive.

Applicant stated that the limitations of previously presented claim 3 were incorporated into claims 1 and 14, but this is not the case. The limitations of claim 2 were incorporated into claims 1 and 14 instead of the limitations of previously presented claim 3. Therefore, claims 1 and 14 are rejected as explained above.

***Final Rejection***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sandra L. Brase whose telephone number is 571-272-2131. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur T. Grimley, can be reached on 571-272-2136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sandra L. Brase  
Primary Examiner  
Art Unit 2852

April 21, 2005